

Atty. Dkt. No. NETS0085

REMARKS

Applicant respectfully requests the consideration of the following remarks. Claims 1, 3, 5-25 are pending in the application.

35 U.S.C. § 103 Rejection

Claims 1, 3, 5-25 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Pricescan.com (PTO-892, Ref U) in view of Giovannoli U.S. Patent No. 5,758,328. Applicant respectfully submits that the claims 1, 3, 5-25 in the instant application are not obvious over Pricescan.com (PTO-892, Ref U) in view of Giovannoli U.S. Patent No. 5,758,328.

Examiner agrees that Pricescan.com (PTO-892, Ref U) does not expressly disclose a method of providing an integrated electronic list of providers wherein the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored. Pricescan.com does not teach or suggest the method, apparatus and a computer readable medium claimed in this instant application, where an offline vendor is considered.

In contrast, Claim 1 of the instant application claims a method for providing an integrated electronic list of providers that comprises the steps of determining at least one online provider for an item; determining at least one offline provider for the item; and integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item.

Similarly, Giovannoli U.S. Patent No. 5,758,328 discloses a computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for quotation for goods and services through at least one central processing unit including operating system software for controlling the central processing unit.

Giovannoli U.S. Patent No. 5,758,328 does not teach or suggest a method for providing an integrated electronic list of providers that comprises the steps of determining at least one online provider for an item; determining at least one offline provider for the item; and integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item.

Other claims depend from claims 1, 11 and 21.

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Examiner stated in the office action "at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Pricescan.com to include the limitations Giovannoli as discussed above in order to allow the consumer to save money and help take the hassle out of shopping."

Applicants respectfully argues that "a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness with some objective reason to combine the teachings of the references." Ex Parte Levengood 28 USPQ2d 1300 (Bd. Pat App. & Inter. 1993). MPEP 2143.01. In addition, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. AI-Site Corp. v. VSI Int'l Inc., 174 F. 3d 1308, 50 USPQ2D 1161 (Fed. Cir. 1999).

Therefore, Applicant respectfully submits that the claims 1, 3, 5-25 in the instant application are not obvious over Pricescan.com (PTO-892, Ref U) in view of Giovannoli U.S. Patent No. 5,758,328.

Thus, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103 (a).

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SUMMARY

Claims 1,3, 5-25 are pending. No new matter has been added. Applicant respectfully submits that, in view of the amendments and discussion set forth herein, the pending claims are patentable over the prior art.

The examiner is invited to call Ivy Mei at 650-474-8400 to discuss the pending claims.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1445.

If there are any questions regarding this correspondence, please contact the undersigned at 650-474-8400.

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